

U.S. Customs and Border Protection, DHS; Treas.

§ 122.37

port director will inform any other concerned Federal agency.

[CBP Dec. 08-43, 73 FR 68312, Nov. 18, 2008, as amended by CBP Dec. 16-06, 81 FR 14953, Mar. 21, 2016]

§ 122.32 Aircraft required to land.

(a) Any aircraft coming into the U.S., from an area outside of the U.S., is required to land, unless it is denied permission to land in the U.S. by CBP pursuant to §122.12(c), or is exempted from landing by the Federal Aviation Administration.

(b) *Conditional permission to land.* CBP has the authority to limit the locations where aircraft entering the U.S. from a foreign area may land. As such, aircraft must land at the airport designated in their APIS transmission unless instructed otherwise by CBP or changes to the airport designation are required for aircraft and/or airspace safety as directed by the Federal Aviation Administration (FAA) flight services.

[CBP Dec. 08-43, 73 FR 68313, Nov. 18, 2008]

§ 122.33 Place of first landing.

(a) The first landing of an aircraft entering the United States from a foreign area will be:

(1) At a designated international airport (see §122.13), provided that permission to land has not been denied pursuant to §122.12(c);

(2) At a landing rights airport if permission to land has been granted (see §122.14); or

(3) At a designated user fee airport if permission to land has been granted (see §122.15).

(b) Permission to land at a landing rights airport or user fee airport is not required for an emergency or forced landing (see §122.35).

[T.D. 92-90, 57 FR 43397, Sept. 21, 1992, as amended by CBP Dec. 03-32, 68 FR 68170, Dec. 5, 2003]

§ 122.35 Emergency or forced landing.

(a) *Application.* This section applies to emergency or forced landings made by aircraft when necessary for safety or the preservation of life or health, when such aircraft are:

(1) Travelling from airport to airport in the U.S. under a permit to proceed

(see §§122.52, 122.54 and 122.83(d)), or a Customs Form 7509 (see §122.113); or

(2) Coming into the U.S. from a foreign area.

(b) *Notice.* When an emergency or forced landing is made, notice shall be given:

(1) To the Customs Service at the intended place of first landing, nearest international airport, or nearest port of entry, as soon as possible;

(2) By the aircraft commander, other person in charge, or aircraft owner, who shall make a full report of the flight and the emergency or forced landing.

(c) *Passengers and crewmembers.* The aircraft commander or other person in charge shall keep all passengers and crewmembers in a separate place at the landing area until Customs officers arrive. Passengers and crewmembers may be removed if necessary for safety, or for the purpose of contacting Customs.

(d) *Merchandise and baggage.* The aircraft commander or other person in charge shall keep all merchandise and baggage together and unopened at the landing area until Customs officers arrive. The merchandise and baggage may be removed for safety or to protect property.

(e) *Mail.* Mail may be removed from the aircraft, but shall be delivered at once to an officer or employee of the Postal Service.

§ 122.36 Responsibility of aircraft commander.

If an aircraft lands in the U.S. and Customs officers have not arrived, the aircraft commander shall hold the aircraft, and any merchandise or baggage on the aircraft for inspection. Passengers and crewmembers shall be kept in a separate place until Customs officers authorize their departure.

§ 122.37 Precleared aircraft.

(a) *Application.* This section applies when aircraft carrying crew, passengers and baggage, or merchandise which has been precleared pursuant to §148.22 of this chapter at a location listed in §101.5 of this chapter and makes an unscheduled or unintended landing at an airport in the U.S.